

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KEVIN D. PORTER,)	
)	
Plaintiff,)	
)	
v.)	NO. 3:11-1137
)	Judge Haynes/Bryant
SCOTT TRELSTAD, et al.,)	Jury Demand
)	
Defendants.)	

TO: The Honorable William J. Haynes, Jr.

REPORT AND RECOMMENDATION

Defendants in this case have filed their motion to dismiss (Docket Entry No. 58) for failure to prosecute and failure to comply with the Court's order requiring plaintiff to keep the Court and defendants informed of plaintiff's current address.

Following the filing of defendants' motion, the Court on May 18, 2012, entered an order requiring plaintiff Porter to show cause on or before May 31, 2012, why his complaint should not be dismissed for his failure to comply with the order requiring him to keep the Court and defendants informed of his current address (Docket Entry No. 60).

Plaintiff has responded neither to defendants' motion to dismiss nor to the Court's order to show cause. Moreover, the Post Office has returned mail from the Clerk's Office addressed to the plaintiff marked "not deliverable as addressed - unable to forward." (Docket Entry No. 63). Defendants report that plaintiff was released from the Robertson County Detention facility on April 2, 2012, and that since his release plaintiff has not provided defendants with his new address (Docket Entry No. 59 at 3).

It appears from the record that plaintiff has previously been forewarned by the Court that his failure to keep the Clerk's Office informed of his current address will jeopardize his prosecution of this case (Docket Entry No. 8 at 4). From the foregoing, the undersigned Magistrate Judge finds that plaintiff has failed to keep the Court and defendants informed of his current address after having been ordered to do so. Therefore, the undersigned Magistrate Judge finds that defendants' motion to dismiss (Docket Entry No. 58) should be granted.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge **RECOMMENDS** that defendants' motion to dismiss be **GRANTED** and that the complaint be **DISMISSED**.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

ENTERED this 8th day of June 2012.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge